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May 10, 2016

VIA ECFS, EMAIL, AND FIRST CLASS MAIL

Steve Swafford
Administrator
Cleburne County Commission
P.O. Box 908
6751 Hwy 78
Heflin, AL 36264
swafford@cleburnecounty.us

Re: *STELAR Feasibility Certification, Market Modification Pre-Filing Coordination Letter for Cleburne County, AL*, MB Docket No. 15-71

Dear Mr. Swafford:

DISH Network L.L.C. ("DISH") is in receipt of your pre-filing coordination letter ("Letter"),¹ pursuant to the procedures set forth in the Federal Communications Commission's ("FCC") rules governing market modifications for satellite carriers under the STELA Reauthorization Act of 2014 ("STELAR").²

The Letter requests information regarding carriage of unspecified local broadcast stations from the Birmingham, Alabama designated market area ("DMA") into Cleburne County, Alabama (the "County").

DISH has evaluated your Letter in light of its current satellites and spot beam configurations, and has determined that, at this time, DISH is unaware of any factors that render such carriage "technically infeasible" pursuant to 47 C.F.R. § 76.59(e). Attached hereto is the certificate required under the procedures set forth in the *Market Modification Order*.³ DISH, however, reserves the right to amend its feasibility determination at any time due to, among other things, a satellite equipment failure or a different satellite being brought into service for the area that

¹ Letter from Steve Swafford to Alison A. Minea, March 21, 2016.

² See Amendment to the Commission's Rules Concerning Market Modification, Implementation of Section 102 of the STELA Reauthorization Act of 2014, *Report and Order*, MB Docket No. 15-71, FCC 15-111, ¶ 47 (Sept. 2, 2015) ("*Market Modification Order*"). See also STELA Reauthorization Act of 2014 (STELAR), § 102, Pub. L. No. 113-200, 128 Stat. 2059, 2060-62 (2014) (codified at 47 U.S.C. § 338(l)).

³ *Market Modification Order* ¶ 47.

includes the County which has different coverage capabilities than the satellite currently being used.

To the extent that a Birmingham local broadcast station impacted by a market modification elects retransmission consent with respect to DISH for carriage of its station in Cleburne County, DISH cannot be certain whether it will be able to successfully reach an agreement with the station.

In addition, as DISH noted in its comments during the development of the market modification rules,⁴ an FCC grant of a market modification could result in, among other things, two different stations affiliated with the same broadcast network being authorized for satellite local-into-local carriage in Cleburne County. This could result in DISH being required to pay retransmission consent fees twice for the same broadcast network. Therefore, we must reserve the right to charge additional fees to subscribers in Cleburne County who elect to receive any Birmingham local broadcast stations that DISH may be authorized to offer as the result of any market modification.

Without the ability to offset the additional costs associated with a market modification, it would be "economically infeasible" pursuant to 47 C.F.R. § 76.59(e) for DISH to comply with a market modification ordered by the FCC consistent with the request described in your Letter.

Please contact the undersigned if you have any questions.

Sincerely,

/s/

Alison Minea
Director & Senior Counsel,
Regulatory Affairs
DISH Network L.L.C.

Attachment: Feasibility Certification Pursuant to 47 C.F.R. § 76.59(e)

⁴ Comments of DISH Network L.L.C. at 9, MB Docket No. 15-71 (May 13, 2015).

FEASIBILITY CERTIFICATION PURSUANT TO 47 C.F.R § 76.59(e)

1. This certification is issued by DISH Network L.L.C. ("DISH") pursuant to the pre-filing coordination procedures contained in the Federal Communications Commission's ("FCC") Order¹ governing market modifications for satellite carriers under the STELA Reauthorization Act of 2014 ("STELAR").²
2. This certification responds to the letter from Steve Swafford requesting information regarding carriage of unspecified Birmingham, Alabama local broadcast stations in Cleburne County, Alabama ("Letter").
3. DISH has evaluated the Letter in light of its current satellites and spot beam configurations, and has determined that, at this time, DISH is unaware of any factors that render such carriage "technically infeasible" or "economically infeasible" pursuant to 47 C.F.R. § 76.59(e). DISH, however, reserves the right to amend this Feasibility Certification at any time due to, among other things, a satellite equipment failure or a different satellite being brought into service for the area that includes Cleburne County which has different coverage capabilities than the satellite currently being used.
4. To the extent that a Birmingham local broadcast station impacted by a market modification elects retransmission consent with respect to DISH for carriage of its station in Cleburne County, DISH cannot be certain whether it will be able to successfully reach an agreement with the station.
5. As DISH noted in its comments during the development of the market modification rules,³ an FCC grant of a market modification could result in, among other things, two different stations affiliated with the same broadcast network being authorized for satellite local-into-local carriage in Cleburne County. This could result in DISH being required to pay retransmission consent fees twice for the same broadcast network. Therefore, we must reserve the right to charge additional fees to DISH subscribers in Cleburne County who elect to receive any Birmingham local broadcast station that DISH may be authorized to offer as a result of any market modification.
6. Without the ability to offset the additional costs associated with a market modification, it would be "economically infeasible" pursuant to 47 C.F.R. § 76.59(e) for DISH to comply with a market modification ordered by the FCC consistent with the request described in the Letter.

¹ Amendment to the Commission's Rules Concerning Market Modification, Implementation of Section 102 of the STELA Reauthorization Act of 2014, Report and Order, MB Docket No. 15-71, FCC 15-111, ¶ 47 (Sept. 2, 2015).

² STELA Reauthorization Act of 2014 (STELAR), § 102, Pub. L. No. 113-200, 128 Stat. 2059, 2060-62 (2014) (codified at 47 U.S.C. § 338(l)).

³ Comments of DISH Network L.L.C. at 9, MB Docket No. 15-71 (May 13, 2015).

I certify that foregoing certification is true and correct to the best of my current knowledge, information, and belief.

A handwritten signature in dark ink, appearing to read "Alison Minea", written over a horizontal line.

Alison Minea
DISH Network L.L.C.

Executed on May 10, 2016.